



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, February 14, 2011, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:03 p.m.

The following were present:

Mayor Billy Bain
Vice Mayor Jennifer Ator
Councilman Bob Best
Councilman Dan Espino*
Councilman George V. Lob

* Arrived at 7:04 p.m.

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Finance Director William Alonso
Recreation Director Omar L. Luna
City Clerk Magali Valls

2. Invocation: Councilman Lob offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

None.

4. Open Forum:

No speakers.

*Councilman Espino arrived at this time.

5. Approval of Council Minutes: (Simultaneously approved)

5A) 01/24/2011 – Council Workshop Joint Meeting with the Revitalization and Redevelopment Ad-Hoc Committee

Minutes of the January 24, 2011 Council Workshop Joint Meeting with the Revitalization and Redevelopment Ad-Hoc Committee were approved as written.

Councilman Best moved the item. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

5B) 01/24/2011 – Regular Meeting

Minutes of the January 24, 2011 Regular Meeting were approved as written.

Councilman Best moved the item. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 01/18/2011 – Education Advisory Board – Minutes

Minutes of the January 18, 2011 Education Advisory Board meeting were received for information.

Councilman Lob stated that the Education Advisory Board minutes indicated that there was a question about the repair of the swale at Springview Elementary. He spoke with the City Manager and the work is being done.

Councilman Lob added that the Education Advisory Board suggested a link to the STEM Academy information on the City's website and he would like the Administration to look into this. The City Manager agreed that it would be easy to do.

6B) 01/25/2011 – Ecology Board – Cancellation Notice

Cancellation Notice of the January 25, 2011 Ecology Board meeting was received for information without comment.

6C) 01/27/2011 – Code Review Board – Cancellation Notice

Cancellation Notice of the January 27, 2011 Code Review Board meeting was received for information without comment.

6D) 02/01/2011 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the February 1, 2011 Code Enforcement Board meeting was received for information without comment.

6E) 02/02/2011 – Revitalization and Redevelopment Ad-Hoc Committee – Minutes

Minutes of the February 2, 2011 Revitalization and Redevelopment Add-Hoc Committee meeting were received for information without comment.

6F) 02/02/2011 – Architectural Review Board and Revitalization and Redevelopment Ad-Hoc Committee Joint Meeting – Minutes

Minutes of the February 2, 2011 Architectural Review Board and Revitalization and Redevelopment Ad-Hoc Committee Joint Meeting were received for information without comment.

6G) 02/08/2011 – Recreation Commission – Notice of Lack of a Quorum

Notice of Lack of a Quorum of the February 8, 2011 Recreation Commission meeting was received for information without comment.

6H) 02/09/2011 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the February 9, 2011 Golf and Country Club Advisory Board meeting was received for information without comment.

6I) 02/07/2011 – Board of Adjustment – Approval of Actions Taken at their Meeting of February 7, 2011, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of February 7, 2011 were approved subject to the 10-day appeal period.

Councilman Espino moved the item. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

Vice Mayor Ator spoke with Eric Richey, Chair of the Board of Parks and Parkways, who informed her that the Board had repeatedly requested, and have now urged, that Council direct the Administration to look into the maintenance of the bike path lights on Curtiss Parkway that are turning on at 5:00 p.m.

7. Public Hearings:

None.

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for January 2011 in the Amount of \$11,448.00

The City Manager read the titles of the items on the consent agenda.

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

8B) Recommendation that Council Approve an Expenditure to Acoustic & Sonic Inc., the Lowest Responsible Bidder, in the Amount of \$14,604.36 for Acoustical Sound Panels in the Rebeca Sosa Theater, Pursuant to Section 31.11 (C) (2) of the City Code

The City Manager explained that the City received a grant to pay for half the cost of the acoustical sound panels and there is another item that was covered by the grant that will come to Council within the next few months.

To answer Councilman Espino's question, Finance Director Alonso clarified that the funding source is from the contingency and it is the designated fund balance left over from the Community Center.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

8C) Recommendation that Council Approve a Bid to DataWorks Plus, Utilizing Florida State Contract Number 680-370-07-1 in the Amount of \$21,052.00, Pursuant to Section 31.11 (E) (5) of the City Code to Purchase Fingerprinting Equipment

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

8D) Recommendation that Council Approve an Expenditure of \$22,877.10 to Miguel Lopez Jr., Utilizing Cooper City Bid #2010-5, as Provided in Section 31.11 (E) (5) of the City Code for Milling, Paving and Striping of Several Roads on Osage Drive from Miller Drive to 41 Street Lafayette Drive, Miller Drive from Poinciana Boulevard to Eastward Drive

Councilman Espino clarified that the funding source for the paving requested in items 8D and 8E is the Citizens Independent Transportation Trust Fund.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

8E) Recommendation that Council Approve an Expenditure of \$50,204.40 to Miguel Lopez Jr. Inc., Utilizing Cooper City Bid #2010-5, as Provided in Section 31.11 (E) (5) of the City Code for Milling, Paving and Striping of Roads 495 and 600 Ludlam Drive, Linwood Drive south to Whitethorn Drive and Oriole Avenue to Falcon Avenue

There was no discussion regarding this item.

Vice Mayor Ator moved the item. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

9. Old Business:

9A) Appointments to Advisory Boards by the Mayor and Council Members

Mayor Bain **re-appointed** Charlene Anderson to the Disability Advisory Board for a full 3-year term ending on December 31, 2013.

Councilman Best **re-appointed** Catherine Stadnik to the Disability Advisory Board for a full 3-year term ending on December 31, 2013.

9B) Civics Week – April 25, 2011

City Manager Borgmann reported that he met with Education Advisory Board member John Salomon to discuss the plans for Civics Week. Mr. Salomon's memorandum outlines the various ideas and concepts of what will take place this particular week. Many of the activities include visits to historic places and tours and briefings of various City departments and buildings. The high school students will spend a day "shadowing" a department head or manager. He will submit the specifics of the program to Council as the week approaches.

City Attorney Seiden volunteered to participate in the process.

Councilman Espino commented that some of the activities that Mr. Salomon is proposing to incorporate involve the community and he looks forward to the week.

Councilman Lob said that field trips to the various city facilities would allow the kids to visit places that they would probably not visit on their own and this would show them the services that the City offers to the residents.

9C) Recommendation that Council Award a Bid to Wrangler Construction, Utilizing Florida City Contract in the Amount of \$30,850.00, Pursuant to Section 31.11 (E) (5) of the City Code for New Sidewalk Installation from Hammond Drive to Starling Avenue and Redbird Avenue to Meadowlark Avenue

City Manager Borgmann read the title of the award.

The City Manager explained that the sidewalk installation is the section along North Royal Poinciana Boulevard that extends from Hammond to Starling and from Redbird to Meadowlark. The expense will be paid from the Citizen Independent Transportation Trust Fund (CITT).

Mayor Bain asked the Administration to look into paving an area by Miami Springs Elementary School on North Royal Poinciana on the east side of the Church where the children cross the street.

Councilman Espino moved the item. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

9D) Update on Basin 35 Drainage Project

City Manager Borgmann stated that the work is continuing on the Basin 35 drainage project and the design drawings are 90% complete. South Florida Water Management District (SFWMD) and the Department of Environmental Resources Management (DERM) have been involved in every step of the process. He met with SFWMD officials on February 8th and it was determined that the City still is eligible for \$24,000 from one grant that is being held in a reserve account; once the change order is approved to begin the work the monies will be shifted back to the project. Construction will hopefully begin by mid-April.

City Manager Borgmann referred to a document from Post, Buckley, Schuh & Jernigan (PBSJ) and mentioned that there are pricing issues in regard to the pump that is included in the new design. The cost is estimated to be more than \$150,000 and he will be speaking with PBSJ representatives about reducing the capacity of the system. He added that there is an additional \$250,000 that was received last year that is still available.

Mayor Bain mentioned that the City should not have to pay for any additional expenses, since it is the responsibility of Post, Buckley, Schuh & Jernigan.

City Manager Borgmann explained that the City negotiated with PBSJ for the additional design work.

City Attorney Seiden stated that the City was fairly compensated for whatever errors were made on the design work.

City Manager Borgmann clarified that the expense would come from the Stormwater Fund, not the General Fund.

Discussion ensued regarding the pump and whether or not a pump house would be needed.

9E) Recommendation that Council Approve Change Order No. 3 in the Amount of \$22,471.28 for Additional Work and Modifications to the Interior of the Curtiss Mansion Restoration Project

City Manager Borgmann stated that this item is a recommendation that Council approve Change Order No. 3 for the Curtiss Mansion Restoration Project, in the amount of \$22,471.28. It has been reviewed by Boukman Mangones, Architectural Project Manager, and accepted by Roy Rodriguez for Curtiss Mansion, Inc. (CMI).

City Attorney Seiden noted that an addendum is attached to the Change Order that outlines the terms and conditions. The City was advised that the funds were not readily available from the \$1MM grant and there was a concern that work would be done without available funds.

The City Attorney explained that the addendum was prepared so that everyone understands that, in effect, the City will be utilizing \$475,000 allocated by Council first, and if there is a problem with acquiring the additional \$1MM, the City has the ability to stop the project until the money is available.

To answer Councilman Best's question, Roy Rodriguez of 564 Palmetto Drive stated that some interior partition modifications were required per Code pertaining to fire exits. The Change Order also includes brass trim on the electrical floor boxes for historical purposes, interior doors and bathroom door and window modifications, plus additional permit fees.

Councilman Best explained that he wanted the public to be informed about the changes to the original drawings and that the enhancements are for the betterment of the building.

Councilman Best moved to approve the Change Order. Vice Mayor Ator seconded the motion which was carried 5-0 on roll call vote.

10. New Business:

10A) Fiscal Year 2010-2011 First Quarter Budget Status Report (Unaudited)

Finance Director William Alonso presented the first quarter budget status report for Fiscal year 2010-2011. He mentioned that it is too soon to make year-end projections or trends in the first quarter, although revenues and expenses are in line.

One key point is the unrealized loss in the State Board of Administration (SBA) account that has come down to \$28,971.00 that was previously \$63,000 one year ago. This means that the fund has been able to collect on some of the bad investments at a better rate than originally anticipated.

To answer Councilman Best's question, Finance Director Alonso clarified that he was referring to Pool B and the City will realize some loss.

Vice Mayor Ator asked about the analysis for the rounds played at the Golf Course.

Finance Director Alonso explained that rounds for the first quarter of this year were 7,408 compared to 9,149 for the same time period last year. He said that Golf Director Mike Aldridge confirmed that business is down at all golf courses.

Councilman Espino noted that total golf revenues are down 12% and operating profits/losses are 50% different from last year. He said that if this trend continues then losses could exceed last year getting close to \$500,000.

Finance Director Alonso clarified that losses for the first quarter total \$148,000 compared to \$115,000 last year.

Councilman Espino expressed his concern about the potential Golf Course losses and the economy. He would like to look and see what can be done to support the Golf Course in terms of marketability and promoting the facility.

Finance Director Alonso mentioned that three or four years ago the Golf Course was very close to breaking even before the economy declined.

Assistant City Manager Gorland said that the Golf Course was shut down during the installation of the irrigation system and then there was some very wet and cold weather. The economy will come back according to Golf Director Aldridge.

Mayor Bain stated that the unemployment rate in Miami-Dade County is approximately 12%, compared to 10% in the nation. He added that the cold weather did not help.

Councilman Best said that it is troubling that the rounds are down during the peak season.

Finance Director Alonso stated that rounds were down 19% compared to the same time period last year. He referred to the synopsis provided in the agenda packet showing the golf operations for the period ending December 31, 2010 compared to the same time period in 2008 and 2009.

Councilman Espino said that the City's Golf Course is a lower cost alternative compared to other courses and this should be part of the marketing plan.

Councilman Lob was concerned that the Golf Course is not being marketed to the customers at the local hotels who are looking for activities in Miami Springs.

Mayor Bain requested an agenda item for the next meeting in regard to the Golf Course marketing strategies.

City Manager Borgmann stated that the Administration is in the process of getting information from the National Golf Foundation and two other companies and they will hopefully have a recommendation soon. The Golf Course has an ad in the brochures that is placed in every hotel room and he will verify this with Golf Director Aldridge.

10B) Miami-Dade County Days in Tallahassee – April 6 and 7, 2011

City Manager Borgmann stated that Miami-Dade County Days would take place on April 6 and 7th this year. He urged Council to notify the City Clerk if they are planning to attend.

Councilman Espino said that he is planning to attend and may travel with a Councilman from Homestead in his private plane.

Vice Mayor Ator asked if this was the same time period that Council was advised not to attend.

Councilman Espino clarified that it was at a time when Council's legislative items had already been considered for budget appropriations and they would have drawn inappropriate attention that could have worked against the City.

10C) Appointment of Alternate Member to Represent the City Before the Miami-Dade County League of Cities

City Manager Borgmann stated that an alternate member is needed to represent the City before the Miami-Dade County League of Cities.

Councilman Espino explained that he is on the Miami-Dade County Legislative Committee and would like to represent the City as the alternate member with Council's approval.

Councilman Best agreed that Councilman Espino would be the logical candidate to represent the City.

By consensus, Council appointed Councilman Espino as the alternate member.

10D) Discussion Regarding the Role of the Architectural Review Board Within the New District Boundary Regulations on N. W. 36th Street

City Attorney Seiden stated that shortly after the last Council meeting he received a call from Lorraine Tappen of Calvin, Giordano & Associates who brought it to his attention that the Code includes provisions that deal specifically with processes involving review authority and procedures involving the Architectural Review Board. He felt that the provisions should have been removed at the time the board was reconstituted to an advisory capacity, rather than a functionary board.

City Attorney Seiden said that specific direction is needed from Council as to how the development review procedure should be codified within the district boundary regulation ordinances they are currently working on for N. W. 36th Street. The proposal from Calvin, Giordano included the Architectural Review Board in the third step of the review process and there are certain questions outlined in his memorandum that should be considered as follows:

- Is the involvement of the Architectural Review Board in the development review process contrary to the City's stated goal of "streamlining" the process?
- Are the functions assigned to the Architectural Review Board duplicious of the proposed "preliminary review and approval process" and the "plans submittal to City process" proposed in the consultant's development review process?

- Do the multiple review and approval processes constitute a detrimental and discouraging factor to developers?
- If the Board and its role are maintained, should the Board be reconstituted to require that all Board members possess specific “professional” credentials?

Councilman Best agreed that the involvement of the Architectural Review Board is contrary and it is duplicitous; it is not detrimental and all board members do not need to possess specific professional credentials. Further, he would say that there should be one “chief” in the process and if that requires a change in the definition or format then it should be done to define their role.

Vice Mayor Ator said that she attended the Architectural Review Board meeting and they were concerned about their role as stated in the Code. The minutes mention that the Architectural Review Board does not have an interest in being a “chief”, but they are interested in being involved in the process and she does not disagree. The Architectural Review Board members indicated that the process review chart was not as clear as it should be and they asked for better clarification as to what they envisioned the role of the Architectural Review Board in the process.

Vice Mayor Ator reiterated that the Architectural Review Board has a very strong and committed interest in being involved in the process. They believe that they should take on a similar role as the Zoning and Planning Board, whether or not that means that professionals should be involved. She would like Council to consider their request in light of the long history of the Architectural Review Board and their interest in being more involved, as outlined in the Code.

City Attorney Seiden called the Architectural Review Board Chairman to explain that no one was trying to hurt the Architectural Review Board members; they were only trying to redefine the duties. He said that Chairman Trowbridge understood very well and he was happy that he had called.

Attorney Seiden asked Council if they were inclined to reduce the function of the Architectural Review Board in the Code beginning with Section G (6) or keep it as it is.

Councilman Espino said that the City’s current ordinance is similar to the City of Miami Beach and it should have included certain professional requirements because even though it is an advisory board, it is given some “teeth” in the remainder of the provisions. He thought it would be inappropriate to go forward with the ordinance as it is currently written; the role of the Architectural Review Board could be accommodated in an advisory capacity that in no way makes them a “chief” or in no way obstructs a developer or property owner. Their role would be on a specific “by project” basis that is not sweeping in its scope like an Ad-Hoc Committee.

Councilman Espino was told by Calvin, Giordano team members that they have a working relationship with other boards in an advisory capacity. This process would help to narrow the issues. He would like the Architectural Review Board to work at the beginning phases of the project.

Councilman Best was concerned about bifurcating the process since the Architectural Review Board consists of architects and Calvin, Giordano has a myriad of disciplines with architects, engineers and planners who will come up with a plan for final approval. It is important to incorporate the opinions of the Architectural Review Board, in their capacity.

Mayor Bain asked where the Architectural Review Board would fit within the review process; he will only support them as an advisory board.

Councilman Espino would include the Architectural Review Board in the initial step. The proposal from Calvin, Giordano is for the Architectural Review Board to be part of the process after plans are submitted and this is incorrect. He felt that they should be included in the preliminary step.

Vice Mayor Ator stated that the various incentives for the FAR bonus program are more related to art, which is subjective.

Councilman Lob added that the incentives are subjective; there is no question about the parking requirements.

City Attorney Seiden said that with all due respect to the Architectural Review Board, most of the review is plan related. Once a plan is in place the architect and engineer will devise a preliminary plan and most of it is related to architecture. The review could be done by Staff, including the Building Official, the Consultants, the City Planner, the Administration and City Attorney.

Councilman Espino does not feel what Calvin, Giordano submitted is appropriate in regard to the review process. He said that it is up to Council to set the parameters.

Vice Mayor Ator explained that the Architectural Review Board does not want to review a full set of plans; they want to have an input on the look and the feel of a project.

Councilman Lob agreed with Vice Mayor Ator that the Architectural Review Board would like to sit down with the developer and explain what the City is looking for in a building.

City Attorney Seiden felt that the Architectural Review Board did not have to be involved in that part of the process. The Architectural Review Board together with Calvin, Giordano can establish the standards, regulations and the designs.

Councilman Espino said that Calvin, Giordano wants the Architectural Review Board to be involved on a project specific basis using the guiding parameters.

City Attorney Seiden asked to consider what would happen if the first level includes an appearance before the Architectural Review Board, and they make recommendations that the developer does not agree with.

Councilman Espino felt that it would be Council's decision to make a final decision on the recommendations of the Architectural Review Board. He said that the members are Council appointed representatives from the community and they would only have an advisory opinion in the beginning of the process.

City Attorney Seiden clarified that the vision of the Architectural Review Board has always been, since it was reconstituted, to establish regulations, designs and criteria with the aid of Council and the consultants. He asked to consider if it would be better to have the Architectural Review Board or the professional consultants at the first level to assist the developer in a workshop meeting to go over the project and narrow the issues before the plans are submitted to the Building Department.

Vice Mayor Ator said that the Architectural Review Board is charged with establishing design regulations, they want to give input on a "case by case" basis and that is what Calvin, Giordano is proposing.

City Attorney Seiden asked to consider if the professional consultants or the Architectural Review Board should be involved in the initial meeting.

Councilman Best felt that the Architectural Review Board should only be an aesthetic portion of the process and they will report their findings to Council before the recommendation goes to the Consultants.

Mayor Bain does not see the Architectural Review Board as a function within the review process. They should only recommend design guidelines for the district boundary regulations. He said that the Architectural Review Board should be no different than any other advisory board.

Councilman Espino said that if what the Mayor was proposing was the case, then why have a board at all, and recommended striking the entire Architectural Review Board ordinance and establishing the Board as an Ad-Hoc Committee that is necessary right now, or at any other time in the future, when architectural guidelines come up would suffice because if this is the only role they would have, they should not be involved at all.

The Mayor said that he would accept a motion based on that Councilman Espino's recommendation and Councilman Espino said "no". Mayor Bain said that he took the initiative to work with the City Attorney on the recommendation for the Architectural Review Board and he would like Council to come up with a proposal so that a decision can be made.

Councilman Espino moved to recommend that on what the Mayor had proposed, "voluntary" be stricken and it would say "mandatory", with the caveat that directly underneath that, proposed design specifications, not fully flushed out plans, be taken to the Architectural Review Board for their advisory input only for the developer to take and do with it what they would like and then continue forward on the process that was submitted.

Vice Mayor Ator stated that she would second the motion.

Councilman Best asked if this process would take place during a regular Architectural Review Board meeting.

Councilman Espino responded “yes”, unless it is necessary to call a meeting for special circumstances.

Nery Owens of 332 Payne Drive said that she attended the Workshop Meeting on February 24th with Calvin, Giordano and Associates, they proposed two architectural styles and she feels that only the historic Pueblo style is needed. She read the minutes of the joint meeting with the Ad-Hoc Committee and the Architectural Review Board and it seemed there was 2-1/2 hours of chaos. The Ad-Hoc Committee was created to “water down” the Architectural Review Board so that they are able to get citizen input, but they think they have more power and they are a totally different group of people than the professionals on the Architectural Review Board.

Ms. Owens felt that a proposed concept for development should be presented to the City Planner before it is presented to the Architectural Review Board members who would provide the review that Calvin, Giordano wants to be paid for. She said that the Architectural Review Board members are volunteer citizens who have the City’s best interest at heart and it would not cost thousands of dollars for the consultants to be involved. She emphasized that the advisory boards should be used effectively and the Architectural Review Board should be reviewing the consultant’s proposal. She does not care about the Ad-Hoc Committee gathering opinions; the leader in the team should be the Architectural Review Board.

Councilman Lob agreed that the Architectural Review Board should be utilized in the process. He likes Ms. Owens’ suggestion for the Architectural Review Board to review the specifications for the initial project in order for them to advise Council. He would like to see one architect involved in the first step, even if the developer does not go before the Architectural Review Board.

Councilman Best commented that the Ad-Hoc Committee is composed of architects.

Councilman Lob reiterated that the Architectural Review Board should look at the plan, but if Council decides not to put it before them there should be at least one architect in the first review step.

Councilman Best asked if the intention of the motion is for the Architectural Review Board to be in the second position of the review process.

Mayor Bain clarified that there was no motion on the floor.

Vice Mayor Ator stated that there was a motion on Councilman Espino’s proposal.

City Attorney Seiden clarified that Councilman Espino made a motion that was seconded by the Vice Mayor.

Councilman Best asked again if the intent of the motion was to include the Architectural Review Board in the second step of the review process.

Councilman Espino stated that his proposal was that this would be a mandatory provision, not voluntary, that would go through the evaluations as recommended, with the consultants, and then whatever they come forward with, in a non-detailed blueprint plan, schematics, etc., would come before the Architectural Review Board for their advisory opinion only. The ordinance would have to change because the “teeth” would have to come out of it.

Vice Mayor Ator stated that Ms. Owens’ comments were well taken and it is not the intent to write the Code so that it would include consultants until the end of time. She would suggest language to say that the consultant services would be on an “as needed” basis or as requested by the Committee. There could be a point when the Committee has grown to know what the City needs and it would go to the Architectural Review Board with the confidence that they understand the vision after a few buildings are built. She does not feel that the City consultants should be a mandatory step in the process.

City Attorney Seiden said that he wrote it as “City Staff” with a notation for discussion purposes; it could include any or all of those positions, and it could be drafted in such a way that it would be on an “as needed” basis.

Councilman Espino said “so amended”.

City Attorney Seiden agreed with Councilman Espino that the ordinance would have to be amended to take out the “teeth” that the Architectural Review Board currently has and give them a different task in the process.

The motion was carried 5-0 on roll call vote.

City Attorney Seiden will get in touch with Calvin, Giordano & Associates with the information that they will use to prepare the draft ordinance.

Mayor Bain stated that the steps in the Development Review Process seemed to be the only issue with the consultant’s proposal for the district boundary regulations.

Councilman Espino commented that the Architectural Review Board wanted a second chance to review the Consultant’s proposal for N. W. 36th Street and he feels that their initial review was sufficient and if there are any concerns they could contact their appointing Council member.

Vice Mayor Ator felt that the Architectural Review Board members would be pleased, as they would like to play a bigger role in the process.

10E) Procurement Card Rebate for Fiscal Year 2010

City Manager Borgmann stated that the Council approved the use of a procurement or purchasing card (P-Card) knowing that the City would receive a rebate for the amount used. He announced that during Fiscal Year 2010, the City received a rebate check of \$9,919.00.

Finance Director William Alonso explained that the cost of the Golf Course irrigation system was \$1.1MM and of that amount, approximately \$500,000 was for actual parts and supplies that were purchased from Hector Turf using the P-Card. The City gets back 1.35% for every dollar that is spent and in nine months there were purchases exceeding \$700,000.

Mayor Bain asked if it might be possible for the City to recoup money that was spent for the parking lot and lighting at the Community Center from the Citizen's Independent Transportation Trust (CITT) fund.

City Manager Borgmann responded that it was unlikely that CITT funds would apply to the Community Center parking lot and lighting. He explained that a similar argument was used when the concept for a parking garage was presented that showed the locations of the bus stops. The City was told that they would have to prove that people were going to drive to the location, park and then take public transportation.

City Manager Borgmann reported that all cities met with the County regarding the distribution of funds to the three cities that were incorporated after the CITT ordinance went into effect. Currently there is an 80/20 split with 80% to the County and the cities divide the other 20%. The County is proposing a compromise of 78% to the County and the cities would get 22%, which would be a little less, but the County would be willing to remove the maintenance of effort (MOE) requirements for transit and road improvements. The City's MOE is more than \$200,000 each year and without that requirement, those funds could be used to supplement the budget and the portion that is mandated for transit would be reduced from 20% to 10%.

City Manager Borgmann explained that the County is looking for 100% approval from the cities and that will never happen. Some cities do not trust the County and others may have already "bonded out" based on the dollars they are receiving and if there is a reduction they would not be able to finance their debt from the General Fund. He felt that the County's proposal would be very good for Miami Springs and many of the smaller cities.

To answer Vice Mayor Ator's question, Mr. Borgmann explained that the reduction would be approximately \$18,000 for the City of Miami Springs.

Councilman Espino said that part of the parallel current is the fact that there are three new cities that are fighting with the County as to how they will be funded for their share of the CITT money.

City Manager Borgmann clarified that the total amount for the three cities is \$5MM.

Councilman Espino explained that the County wanted to fund the three cities out of the 20% that is paid to the cities and the cities are saying that the funding should come from the County's 80%. It is unclear whether the County, through the CITT board, is trying to come up with an accommodation or come to an agreement and side with the other cities.

City Manager Borgmann stated that the three cities might not be the biggest stumbling blocks. At least two cities are emphatic about the way the ordinance is written and was approved by the vote of the people and affirm this is the County's problem. He felt that the three cities would agree to the compromise.

10F) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of not to Exceed \$30,000 for Advertising in The Miami Herald, the Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

City Manager Borgmann read the title of the recommendation to approve the expenditure, not to exceed \$30,000, for advertising in the Miami Herald. He explained that since this is an election year, advertisements are necessary to inform the public of early voting, logic and accuracy test dates, change in polling place location, sample ballots, etc.

Councilman Espino asked if the City Clerk would also advertise in the River Cities Gazette.

City Clerk Magali Valls confirmed that ads would also be placed in the River Cities Gazette as well as the Miami Herald due to legal advertising requirements.

Councilman Best moved the item. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

Mayor Bain called for a 5-minute recess

10G) Resolution No. 2011-3504 – A Resolution of the City Council of the City of Miami Springs Authorizing the City to Apply for, and Accept, if Awarded, a \$9,937.50 2011 National Urban and Community Forestry Grant with the State of Florida on an Equal Matching Amount Basis, Directing the Proper Officers and Officials of the City to Execute the Grant Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry; Effective Date

City Manager Borgmann read the resolution by title.

City Manager Borgmann stated that the City applies for this grant every year, it is a 50/50 match and the City has been very successful in receiving the funds in the past. The matching amount is included in the budget.

Vice Mayor Ator asked if thirty-three trees oak trees that were mentioned in a memorandum would be planted in addition to these trees.

City Manager Borgmann clarified that those trees were already paid for and the money budgeted is already pledged toward the grant.

Councilman Espino explained that the funds would be spent for planting the thirty-three trees in anticipation of receiving this grant that would be matched “after the fact”.

Councilman Best moved to adopt the resolution. Councilman Lob seconded the motion which was carried 5-0 on voice vote.

10H) Meeting with Officials of the Beacon Council

City Manager Borgmann reminded Council of the meeting on Wednesday, February 16, 2011 with the Beacon Council at 2:30 p.m. in the Beacon Council offices. Council members Espino and Ator have already expressed their desire to attend.

The City Manager explained that the purpose of the meeting is two-fold; first to let the Beacon Council know who Miami Springs is and where the City is located, coupled with the plans for N. W. 36th Street development. The consultants will also attend and explain their role in the process. Secondly, it will be determined what the role of the Beacon Council can be as the marketing for the N. W. 36th area begins, both locally and abroad.

City Manager Borgmann commented that location is everything when real estate is involved and there is no better location in Miami-Dade County than Miami Springs in light of the access to expressways, the airport and the new Miami Intermodal Center (MIC). He explained that the Beacon Council should know that the development of hotels and office space along 36th Street should be at the forefront.

10I) City of Miami Springs 85th Birthday Celebration

City Manager Borgmann stated that Council had asked for the City to take the lead in planning for the 85th birthday celebration. Program Supervisor Patricia Bradley provided a memorandum that includes various recommendations and the pros and cons for each one, including options for food.

Councilman Espino suggested that there could be a season of celebration, kicked off with a minor portion of the programming on the Friday night of the Springs River Festival. The celebration could be incorporated into the regular programming for the Fourth of July activities, followed by another event closer to the anniversary date. This would not add too much to the budget for the events and it would reach different groups of people each time.

Vice Mayor Ator felt that a celebration at the end of August on the Circle would have a lot of potential since it would be a time when the Downtown businesses are gearing up for the new school year with the residents coming back to town after the summer. It could be held on a Saturday, since the businesses are traditionally closed on Sunday.

City Manager Borgmann explained that the festival committee is still working on the assumption that some kind of celebration will take place on the Friday night of the festival, according to their agreement with the Chamber of Commerce.

Vice Mayor Ator felt that the Chamber's proposal for the festival on Friday evening would be viable, as well as the seasonal celebration suggested by Councilman Espino, including the final event at the Circle before school starts.

Irene Priess of 449 Swallow Drive said that in 1976, the City's 50th Anniversary coincided with the Bicentennial celebration and Council appointed a ten-member committee that organized an occasion every month of that year. She explained that this set the precedent for celebrating on more than one day.

City Manager Borgmann clarified that the intention is to hold an event at the Circle in August (# 2), incorporate a celebration with the opening night of the festival (# 4) and to include an event in conjunction with the Fourth of July celebration (#5).

Councilman Espino asked if there was a consensus to hold an event on the Circle in August.

Councilman Best commented that the City's actual birthday is August 23rd.

City Manager Borgmann stated that he would bring back details about the celebration on the Friday night of the Springs Festival at the next Council meeting, now that there is an agreement.

Vice Mayor Ator asked if there were any ideas for working with other groups or if Council should appoint a committee.

City Manager Borgmann explained that he did not even think of a committee or other organizations because of the comments that were made at the last meeting about the City making the plans and utilizing City Staff.

Vice Mayor Ator stated that the Chamber of Commerce had already made a proposal for the first night of the Festival.

To answer Councilman Espino's question, the City Manager confirmed that Staff had already met with the Chamber of Commerce.

Vice Mayor Ator said that it was her impression that Council wanted the City to take the lead, but not to exclude all the efforts put forth by the Chamber.

City Manager Borgmann reiterated that Staff met with the Chamber representative and incorporated all of her ideas.

Council agreed to a circle event in August, a celebration in coordination with the opening night of the Springs River Festival and another event as part of the Fourth of July celebration.

10J) Discussion Regarding a Memorial for Tony Bray

City Manager Borgmann stated that he spoke with Carol Stadnik at Miami Springs Pharmacy to see if she would allow a plaque to be affixed to her building near the new handicap ramp and she agreed. The suggested language might be: *"This ramp is dedicated to the memory of Tony Bray, a resident who championed the need to remove barriers to the disabled"*.

The City Manager added that the date of Tony's passing could be included on the plaque and the dedication could be incorporated with the Springs River Festival.

By consensus, Council approved the plaque with the suggested language, including the date of the dedication.

The Mayor said that he would like the dedication to take place before the April 5th election.

10K) Park Improvements at Stafford Park, Prince Field and the Miami Springs Middle School

City Manager Borgmann stated that certain aspects of the Recreation Master Plan that was proposed to Council almost five years ago had been completed and now there are new needs or desires for additional improvements. He asked the Parks and Recreation Director to list the various items that will be needed to continue to maintain the parks in good condition.

Parks and Recreation Director Omar Luna prepared a preliminary list of potential park improvements. He explained that some improvements are urgent based on safety issues, while others can be done in the future.

Mr. Luna said that the playground at Stafford Park is currently closed and several vendors have said that they do not want to make the repairs due to safety concerns; their advice is to purchase new playground equipment. He also met with a representative of the Florida League of Cities who recommended removal of the existing playground equipment.

City Manager Borgmann clarified that the City is insured through the Florida League of Cities and the safety inspector just responded today with his recommendation to shut down the playground at Stafford Park.

Mr. Luna would like to keep the playground at Prince Field and since it would cost approximately \$120,000 for a new one, he is recommending the repair of the existing playground for about \$24,000.

The bleachers at Stafford Park are a serious safety concern because they only have one plank and a child could fall through, according to Mr. Luna. The ten and under soccer field sod would cost about \$60,000 and an additional \$15,000 for irrigation. He added that the fitness vita course is not in good shape and it would cost approximately \$70,000 to repair the thirteen stations and install artificial turf. The vita course lighting would cost approximately \$140,000.

Mr. Luna said that the shade structures for the bleachers would be an improvement that could be done over time. He is also considering new benches, picnic tables and various amenities that would beautify Stafford Park. The soccer field renovation is estimated to cost \$150,000, which he placed at the bottom of the list because the new fencing and maintenance of the field could help improve it at this time.

Mr. Luna explained that the repair of the Middle School athletic field would cost \$150,000, not including irrigation that would add another \$80,000 to \$100,000.

City Manager Borgmann stated that the City could enter into an Interlocal Agreement with Miami-Dade County Public Schools to utilize and improve the Middle School Field in lieu of a waiver of liability.

Vice Mayor Ator suggested that businesses or families might donate funds for the park amenities. She commented that Stafford Park is heavily used during the soccer season and the shade structure is an asset. She felt that something should be done to replace the playground.

Councilman Best said that out of all the listed improvements only \$24,000 was allocated to City owned property and this should be the priority.

Mr. Luna agreed with Councilman Best that the two playgrounds are his priority.

Councilman Best commented that in the past there were discussions about entering into an Interlocal Agreement with the School Board for a ten-year period. It is his understanding that the School Board could take back the property at any time.

To answer Vice Mayor Ator's question, Mr. Luna responded that if new playground equipment is installed at Stafford Park it could be relocated to another location if necessary, although there might be a cost involved for moving it.

Mayor Bain stated that he would like to go forward and obtain bids for the Stafford Park playground, the renovation of the Prince Field playground and the bleachers.

Councilman Best added that the playground equipment and bleachers at Stafford Park represent safety issues. He would like the playground equipment to be purchased with the intent of relocating it if needed.

Councilman Espino asked to consider all the listed items as part of a long-term master plan for budgeting purposes.

Councilman Lob recommended a maintenance plan in order to avoid having to pay for fixing or replacing everything at one time.

Vice Mayor Ator suggested that a replacement plan should be based on expected life of the equipment.

Mr. Luna stated that he is working on a master plan for the recreation department and there are many items to be considered, like the Prince Field fencing that is more than 30-years old.

Council directed the Administration to go out for bids for the Stafford Park playground and bleachers and the Prince Field playground.

11. Other Business:

11A) Increased Community Center Costs

City Manager Borgmann stated that in planning for next year's budget the Administration put together a list of Community Center costs with corresponding revenues.

12. Reports & Recommendations:

12A) City Attorney

Valentine's Day

City Attorney Seiden wished everyone a happy Valentines' Day.

12B) City Manager

Red Light Cameras

City Manager Borgmann informed Council that a recommendation for the red light cameras would be ready for the next agenda. He, the City Attorney, Assistant City Manager Gorland and Chief of Police Baan attended a meeting in West Palm Beach to go over some of the legal aspects, ordinances, resolutions and court cases that had been filed. They feel it is a viable program, especially in light of the safety statistics. One statement was made that apparently a judge had decided that it would be okay to enforce turning right on red, as long as the speed was above 20 mph.

City Attorney Seiden said that the judge is very much against the right turn on red aspect of the program. The law says that someone can be ticketed and responsible for a violation if they do not proceed cautiously. His comment was taken out of context because he said that if someone is going 20 mph that it would be considered proceeding cautiously. The judge does enforce the red light portion.

Bus Stop Relocation

City Manager Borgmann reported that the bus stops were relocated from Canal Street to Nakohda Drive next to the AT&T building.

Adopt-a-Park

The City Manager met with Bob Schwinger at the Butterfly Garden to discuss his plan for the park and he is proposing to have volunteers or kids to plant flowers, etc. and not simply making a monetary donation. The basic framework of the program is available and the item will be brought back on the next agenda.

Kudos for Miami Springs

City Manager Borgmann stated that the Optimist Club, Lions Club, the Springs River Festival had held fundraising events. The City's Tennis Professional held an event and raised \$1,600 for a cancer related fund.

Recreation Flyer

City Manager Borgmann distributed a copy of the "City of Miami Springs Parks & Recreation Buzz" that will be inserted in the River Cities Gazette that is distributed to all homes.

Donation

City Manager Borgmann announced that the High School has a group that is involved with health occupations and apparently they will attend a state conference in Jacksonville on March 31st through April 2nd. They are hoping to raise \$4,500.00 before February 28th. He presented a letter from Science Teacher Liset Icaza, sponsor for the Medical Hawks, requesting assistance from the City. He said that anyone who would like to make a donation could contact his office for more information.

12C) City Council

Little League Sponsors

Vice Mayor Ator attended a Little League event to play dominoes and was informed by the new Little League President that they are in need of team sponsors.

Movie Night

Vice Mayor Ator reported that All Angels Movie Night will be held on Friday April 18th, featuring “Alpha and Omega” and “You Again”. The March Movie Night will have to be rescheduled since it falls on the same night as the Cancer Relay for Life and the Church would like to know what night would work best for the City.

Beacon Council Meeting

Vice Mayor Ator said that she is looking forward to the Beacon Council meeting on February 16th.

Happy Valentine’s Day

Councilman Lob wished all the ladies happy Valentine’s Day and everyone a great evening.

Peavy/Dove Field

Councilman Espino reported that Peavy/Dove Field is in excellent condition.

January Activities

Councilman Espino stated that January was a great month with many activities, including the cancer walk for Marlene Wolff and the Poker Tournament.

Red Light Cameras

Councilman Espino said that the State Senator has taken a position to eliminate the red light camera legislation. The Miami-Dade County League of Cities supports fixing the evidence standards, addressing the right turn on red and the discretion that judges should have to throw out the ticket.

Congratulations

Councilman Espino congratulated the Lions Club on their golf tournament and dinner.

Little League Domino Tournament

Councilman Espino stated that the Little League domino tournament was fun and it is an event that will be held more often.

Library Renovation

Councilman Espino asked when the library renovation would be completed, since they have begun paving.

City Manager Borgmann said that the renovation is moving along with the paving and landscaping and the data lines were installed. The opening is scheduled in March.

Happy Valentine's Day

Councilman Espino wished everyone happy Valentine's Day.

Little League Sponsors

Councilman Best reiterated that the Little League is in dire need of additional sponsors and anyone interested in sponsoring a team should contact the President.

Lions Club Tournament

Councilman Best participated in the Lions Club Golf Tournament and Spaghetti Dinner that was very interesting and all proceeds go toward the Cancer Relay for Life.

Tree Stump

Councilman Best said that golfers mentioned that there is a tree on the Golf Course at the right side of the third hole that was previously cut down and the stump that still exists is a major hazard.

Tardiness

Councilman Best joked that Ralph and Nancy Wakefield are always getting after the Pelican Players for being late to practice and they were late for their agenda item that was on the consent agenda.

Happy Valentine's Day

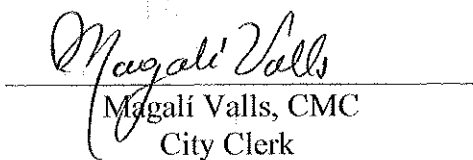
Mayor Bain wished everyone a happy Valentine's Day.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:14 p.m.


Billy Bain
Mayor

ATTEST:


Magali Valls, CMC
City Clerk



Approved as amended during meeting of: 2/28/2011: Page 13, paragraphs 7 and 8

Transcription assistance provided by Suzanne S. Hitaffer.